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Attorney for Defendant Michael Trent Barnes

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR 03-00502 SOM
)	
Plaintiff,)	Declaration of Counsel
)	in Support of Motion to Unseal Portion
Vs)	of Hearing on May 18, 2004.
)	
MICHAEL TRENT BARNES,)	
)	
Defendant.)	

DECLARATION OF COUNSEL

1. I am an attorney duly admitted to practice law before the United States District Court Hawai'i (District Court). I make this declaration based on personal knowledge and review of the record in this matter.
2. Defendant Michael Trent Barnes (Mr. Barnes) is currently incarcerated at the FCI Sheridan Federal Correctional Institution, located in SHERIDAN, OR . His projected date of release from custody is July 1, 2008, according to the Federal Bureau of Prisons website.
3. The grounds for this motion are that on July 15, 2005, Mr. Barnes filed a Notice of Appeal from the judgment entered against him after pleading guilty to Counts 1 and 3 of the Superseding Indictment, Cultivating More than 1,000 Marijuana Plant, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); and Criminal Forfeiture, under 21 U.S.C. § 853.
4. On June 22, 2006, the United States Court of Appeals for the Ninth Circuit entered an order denying Mr. Barnes' request to represent himself. In the same order the Ninth Circuit directed the District

Court to appoint counsel. Further the Ninth Circuit ordered new counsel to designate and make payment arrangements for transcripts by August 14, 2006, and ordered the court reporters to file the transcripts by September 13, 2006, and ordered new counsel to file Mr. Barnes' opening brief on or before October 23, 2006.

5. In light of the Ninth Circuit's order, on June 22, 2006, the District Court appointed me to represent Mr. Barnes on appeal.
6. On July 3, 2006, I caused to be filed the Transcript Designation and Ordering Form.
7. On or about August 9, 2006, I received notice from the court reporter, Debra Chun, that the transcript ordered for proceedings on May 18, 2004, contained a sealed portion, and that a motion to unseal the same needed to be filed.
8. Therefore, I now file this motion to unseal the sealed portion of the transcript for proceedings on May 18, 2004, so that the court reporter Debra Chun can produce the transcript concerning the same.

9. Mr. Barnes is entitled to a direct appeal of the judgment entered against him. In order to pursue his appeal, and review the District Court record for reversible error, I must be given the opportunity to review all recorded proceedings from the District Court.
10. I therefore request that this Court grant this motion.

I declare under penalty of law that the foregoing statements are true and correct, to the best of my knowledge.

Executed: August 21, 2006, Wailuku Maui, Hawai'i.

/s/ Georgia K. McMillen

Georgia K. McMillen

Attorney for Defendant